

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**DANIEL LUTHER SHARRETT,**

Plaintiff,

V.

**LEE COUNTY VA COURT,**

Defendant.

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Case No. 7:21CV00228

## OPINION AND ORDER

By: James P. Jones  
United States District Judge

This prison civil rights action under 42 U.S.C. § 1983 sues a state court, seeking probation or reduced criminal charges. By Order entered May 7, 2021, the court directed plaintiff to sign and return his written consent to pay the filing fee for this action if he wished to proceed. Instead, plaintiff submitted unnecessary, additional account information. When the court did not receive plaintiff's signed Consent to Fee form within the time allotted by the May 7, 2021 Order, I dismissed this case without prejudice on June 29, 2021.

Plaintiff has now submitted a letter claiming that he submitted the required consent form, but believes it was apparently lost in the mail. After review of the record, it is **ORDERED** that the plaintiff's letter, ECF No. 12, construed as a motion

seeking reinstatement of the § 1983 action, is DENIED, because the claims therein asserted are not appropriately addressed in such a civil action.<sup>1</sup>

ENTER: July 20, 2021

/s/ James P. Jones

United States District Judge

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<sup>1</sup> Plaintiff is also advised that generally, a civil action under § 1983 is not the proper type of lawsuit to file to seek a reduction of the criminal charge or a more lenient sentence. Such matters should be presented through arguments by plaintiff's defense attorney in the criminal court proceedings in state court.